

On August 21, 2018, the Court struck Plaintiffs' Amended Complaint, (Doc. No. 3), pursuant to Fed. R. Civ. Pro. 12(f) because Plaintiffs failed to show cause as to why they may appear pro se; dismissed as moot Defendants' Motion for Judgment as a Matter of Law, (Doc. No. 10); and instructed Plaintiffs that they had 30 days from the issuance of that order to retain counsel and file an amended complaint or this case would be dismissed without prejudice. (Doc. No. 24).


To date, it appears that Plaintiffs have not retained counsel, nor have they filed an Amended Complaint, and the time to do so has now expired. Accordingly, Plaintiffs have failed to prosecute their case, and dismissal is proper pursuant to Federal Rule of Civil Procedure 41(b):

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19—operates as an adjudication on the merits.

It is Plaintiffs' burden to move this case forward, and Plaintiffs have failed to do so.

IT IS, THEREFORE, ORDERED that Plaintiffs' case be **DISMISSED**. The Clerk of Court is directed to close this case.

Signed: February 6, 2019


Robert J. Conrad, Jr.
United States District Judge

